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ABSTRACT

Since 1975, the Center for the Study of Higher Education, the Pennsylvania State University, and the National Council of State Directors of Community and Junior Colleges have cooperated in an annual review of state legislation affecting two-year colleges. The purpose of the reviews has been to identify and analyze pertinent legislation throughout the United States and to probe the issues which attract public policy action and attention. An analysis of 1983 legislation, based on information provided by state officials in all 50 states and 4 U.S. territories, revealed that: (1) 1,127 pieces of legislation encompassing 1,198 relevant issues or topics were reported; (2) of these, 54.4% had been enacted, 23.9% were pending, and 21.7% were not enacted; (3) finances and administrative issues were the major legislative concerns, representing 29.6% and 28.3% of the legislation introduced, respectively; (4) 17.4% dealt with personnel questions, with the most frequently addressed issue being employment benefits; (5) the amount of legislation increased by 28.7% over 1982, showing a tenfold increase since reporting began in 1976; and (6) when state directors were asked to rank the importance of various pieces of legislation, financial issues comprised 37.2% of the items deemed important. (HB)

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HIGHLIGHTS AND OVERVIEW OF ACTIONS IN 1983 STATE LEGISLATIVE SESSIONS AFFECTING COMMUNITY AND TWO-YEAR TECHNICAL COLLEGES

A Report to the National Council of State Directors of Community and Junior Colleges

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Highlights and Overview of 1983 Legislative Sessions and Two-Year Colleges

S. V. Martorana and Peter H. Garland

In reviewing legislation considered in 1983 state legislative sessions and having impact on two-year colleges, several highlights emerge. First, the sheer volume of legislation reported continues to increase across the nation. Second, attention to special programs, particularly job training programs as well as employee benefits emerges as a significant area of legislative attention. And third, legislation concerned with finance or with financial consideration, as a group, tends to be rated by state directors as very important, more so than other legislative topics.

Since 1975, the Center for the Study of Higher Education, The Pennsylvania State University, and the National Council of State Directors of Community and Junior Colleges have cooperated on an annual review of state legislation affecting the two-year college. Its two-fold purpose is to identify and analyze pertinent legislation affecting community, junior, and two-year technical colleges throughout the United States, and to probe analytically into the nature of issues which attract public policy action and attention. Basic information for this report was provided by state officials in each of the fifty (50) states and the several territories of the United States. As the analysis of legislation and legislative issues continues, several emerge. This report covers the major findings emanating from the analysis of the state data done by the co-authors covering the 1983 legislative sessions and will highlight several trends which can be noted by relating the 1983 findings to ones found in the preceding annual studies.

PROCEDURES

Data collection and analytic procedures followed those outlined in previous reports.[1] There is, however, one major alteration. Prompted by an ever-growing amount of legislation reported each year, and after receipt of legislation seriously considered[2], a summary of that legislation was returned to state directors along with a request that each piece of legislation be rated on a five-point scale of importance. The results of the more detailed analysis made of legislation reported by cooperating state officials to be highly or very highly important have been compiled into a separate report to be published later; publication copies are available on request.

FINDINGS/RESULTS

General. All fifty states, the District of Columbia and four U.S. Territories responded to the request for legislation affecting community, junior, and two-year technical colleges seriously considered in 1983 legislative sessions. In one state (Kentucky), no legislative session was held and no significant legislation was reported from nine jurisdictions. Of those jurisdictions responding, 81.8 percent reported legislative activity significant to community colleges.

In all, 1127 pieces of legislation encompassing 1198 separate issues or topics were reported by 46 states and territories.[3] Six hundred thirteen (613) pieces of legislation (673 issues) were reported as enacted or 54.4 percent of total pieces reported. In a like manner 269 pieces (279 issues) or 23.9 percent of the total were reported as pending and 245 (246 issues) were reported as not enacted representing 21.7 percent of the total.

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[1] Recent previous reports in this series include: Martorana and Corbett (1983) and Martorana and Broomall (1981, 1982). Full citations of these and other reports are included in the keferences.

[2] Only legislation seriously considered, that is, legislative proposals at least passed by the original committee to which they were assigned.

From Table 1 it can be seen that the number of pieces considered ranged from a single piece (in Vermont and Northern Marianas) to 141 pieces reported in New York. The mean number of pieces of legislation reported per jurisdiction of those reporting was 24.5.

Turning to Table 2 it can be seen that finance and administrative issues tended to dominate legislative issues. This continues a trend noted by Martorana and Corbett (1983) and Martorana and Broomall (1981; 1982). Three hundred fifty-five (355) pieces of legislation or 29.6 percent of legislation seriously considered dealt with financial topics including general and special appropriations for operations, capital fund appropriations, and financial procedures. This latter category was the topic in 242 pieces of legislation or 68.2 percent of all finance-related legislation.

Administrative issues, encompassing governing boards, administrative operations and procedures, studies and surveys, and the like accounted for 338 pieces of legislation or 28.3 percent of all legislation reported. The administrative area was dominated by legislation aimed at creating or altering administrative operations or procedures. This was an issue in 157 pieces of legislation or 46.5 percent of all administration-related legislation.

Together, the broad categories of finance and administration encompass 693 pieces of legislation and account for 57.9 percent of all legislation reported.

Relatively few pieces of legislation dealt with physical facilities and institutional growth. These broad categories accounted for just 1.5 and 2.1

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[3] An individual piece of legislation might encompass several issues on topics. For instance, one piece of legislation could establish a new program, determine student fees, and provide an allocation or encompass three issues. Please note that when the discussion centers on pieces, the total number considered is 1127 and when it focuses on issues the corresponding figure is 1198.

TABLE 1
SIGNIFICANT LEGISLATION BY STATE AND
STATUS OF LEGISLATION

	ENACTED		PENDING		NOT ENACTED		TOTAL	
	# Topics	/# Pieces	# Topics	/# Pieces	# Topics	/# Pieces	# Topics	/# Pieces
Alabama	5	5	0	0	6	6	11	11
Alaska (2)	--	--	--	--	--	--	--	--
Arizona	25	25	3	3	15	15	43	43
Arkansas	60	59	0	0	0	0	60	59
California	59	44	54	47	0	0	113	91
Colorado	1	1	6	6	1	1	8	8
Connecticut	36	36	0	0	0	0	36	36
Delaware	2	2	1	1	3	3	6	6
Florida	28	21	0	0	0	0	28	21
Georgia	29	29	0	0	1	1	30	30
Hawaii	17	17	0	0	19	19	36	36
Idaho (2)	--	--	--	--	--	--	--	--
Illinois	11	10	1	1	3	3	15	14
Indiana	22	22	0	0	0	0	22	22
Iowa	13	13	0	0	0	0	13	13
Kansas	12	12	0	0	0	0	12	12
Kentucky (1)	--	--	--	--	--	--	--	--
Louisiana	5	5	0	0	0	0	5	5
Maine (2)	--	--	--	--	--	--	--	--
Maryland	13	13	0	0	45	45	58	58
Massachusetts	2	2	3	3	0	0	5	5
Michigan	1	1	11	11	0	0	12	12
Minnesota	20	11	0	0	0	0	20	11
Mississippi	7	6	0	0	0	0	7	6
Missouri (2)	0	0	5	5	0	0	5	5
Montana	4	4	0	0	0	0	4	4
Nebraska	1	1	0	0	2	1	3	2
Nevada	4	4	0	0	1	1	5	5
New Hampshire	3	3	0	0	0	0	3	3
New Jersey	23	23	31	31	3	3	57	57
New Mexico	1	1	0	0	2	2	3	3
New York	25	25	104	104	12	12	141	141
North Carolina	40	31	1	1	0	0	41	32
North Dakota	2	2	0	0	0	0	2	2
Ohio	3	3	4	4	0	0	7	7
Oklahoma	19	15	0	0	0	0	19	15
Oregon	8	3	0	0	4	4	12	12
Pennsylvania	3	3	16	16	0	0	19	19
Rhode Island	21	21	6	6	2	2	29	29
South Carolina	4	1	0	0	0	0	4	1
South Dakota (2)	--	--	--	--	--	--	--	--
Tennessee	4	4	0	0	0	0	4	4
Texas	70	70	0	0	24	24	94	94
Utah	14	8	0	0	6	6	20	14
Vermont	0	0	1	1	0	0	1	1
Virginia	9	9	0	0	3	3	12	12
Washington	20	18	4	2	3	3	27	23
West Virginia	16	16	27	27	78	78	121	121
Wisconsin	5	5	0	0	13	13	18	18
Wyoming (2)	--	--	--	--	--	--	--	--
District of Columbia (2)	--	--	--	--	--	--	--	--
Guam	5	3	0	0	0	0	5	3
Northern Marianas	1	1	0	0	0	0	1	1
Puerto Rico (2)	--	--	--	--	--	--	--	--
Virgin Islands (2)	--	--	--	--	--	--	--	--
TOTAL	673	613	279	269	246	245	1138	1127

(1) = No legislative session, (2) = No legislation reported

TABLE 2
Total of Legislation by Type

	Enacted	Pending	Not Enacted	Total	Percent of Total
FINANCE					
Appropriations	65	14	5	84	7.0
Capital Funds	17	9	3	29	2.5
Financial Procedures	150	50	42	242	20.2
SUB-TOTAL	232	73	50	355	29.6
ADMINISTRATION					
Governing Bodies	22	14	16	52	4.3
Process of Policy Formation	35	15	1	51	4.3
Administrative Operations	92	35	30	157	13.1
Coordination	5	2	0	7	0.6
Studies and Surveys	38	7	12	57	4.8
Enabling Legislation	3	3	1	7	0.6
Government Liaison/Public Interpret.	5	1	1	7	0.6
SUB-TOTAL	200	77	61	338	28.3
PHYSICAL FACILITIES					
Building Codes	0	0	0	0	0.0
Construction Procedures	2	0	3	5	0.4
Facility Regulations	7	4	2	13	1.1
SUB-TOTAL	9	4	5	18	1.5
INSTITUTIONAL GROWTH					
New Institutions	6	0	1	7	0.6
Institutional Expansion	2	0	3	5	0.4
Name Changes	2	0	1	3	0.3
Restrictions on Growth	6	1	2	9	0.8
SUB-TOTAL	16	1	7	24	2.1
PERSONNEL					
Employee Benefits	57	34	39	130	10.9
Employee Rights/Relationships/Responses	25	8	25	58	4.8
Collective Bargaining	6	4	10	20	1.7
Faculty Workload	0	0	0	0	0.0
SUB-TOTAL	88	46	74	208	17.4
STUDENTS					
Rights and Responsibilities	13	5	4	22	1.8
Tuition and Fees	11	4	3	18	1.5
Student Aid	38	40	16	94	7.9
SUB-TOTAL	62	49	23	134	11.2
ACADEMIC PROGRAMS					
Curricula	1	0	2	3	0.3
Accreditation and Certification	23	11	6	40	3.3
Special Programs	42	18	18	78	6.6
SUB-TOTAL	66	29	26	121	10.2
GRAND TOTAL	673	279	246	1198	100.3*

(* Differs from 100.0 due to rounding.)

percent of all legislation respectively. It is perhaps interesting to note that new institutions and institutional expansion were considered in more pieces of legislation than were restrictions on growth (12 and 9 pieces of legislation respectively).

After finance and administration, the most numerous category was that of personnel. Two hundred eight pieces of legislation or 17.4 percent of the total dealt with personnel issues. By far, the largest topic in the personnel area was that of employee benefits. Of the total personnel legislation, 130 pieces or 62.5 percent dealt with matters of employee benefits.

Within the student area, student aid was the most frequent issue of concern. Of the total 134 pieces of student legislation, 94 or 70.2 percent dealt with student aid. As a portion of total legislation considered, student issues represented 11.2 percent.

Over ten percent (10.2) of all legislation dealt with the academic concerns, including curricula, accreditation and certification, and special programs. This last topic represented 34.5 percent of all academic program proposals or 78 pieces of legislation.

Increasing Legislation. The most enduring trend since the current annual review of legislation affecting the two-year college was initiated has been the increase in legislation reported each year. In 1976, Martorana and Nespoli (1977), twenty-eight states reported 116 pieces of legislation. Five years later, Martorana and Broomall (1982) reported 461 pieces of legislation considered in 51 jurisdictions (a 297.4 percent increase). Last year Martorana and Corbett (1983) reported 876 pieces of legislation considered in 54 states and territories, an increase of 90.0 percent in a single year. Reported legislation this year has increased 28.7 percent or an almost ten-fold increase since the current series was initiated.

From Table 3 it can be seen that as a percent of total legislation reported, finance, administration, institutional growth, and students experienced small decreases. Increases were marked in physical facilities, personnel, and academic programs.

Overall, the number of issues in the finance and administration area increased 25.9 and 17.4 percent respectively. No increase was marked in institutional growth and the increase in physical facilities issues, while being 50 percent, reflects an increase of only six pieces of legislation. The issues considered in the students category increased by 32.7 percent.

The largest increases were marked in the personnel and academic programs areas. Legislative proposals concerned with personnel issues increased from 132 pieces to 208 pieces, a 57.6 percent increase. Even more striking is the increase in the academic programs category from 37 pieces to 121 pieces, a 227 percent increase. Much of this increase was in the area of special programs largely concerned with job training and re-training.

Within the broad categories (as seen in Table 4), certain changes are worthy of note. The mixture of appropriations, capital funds, and procedures within the Finance category remains largely unchanged. Within Administration, the decrease as a percentage of administrative items is notable in the process of policy formulation (from 26.7 to 15.1 percent) coordination (4.5 to 2.1 percent) and government liaison (4.2 to 2.1 percent). The largest increase as a percentage of administrative items was marked in the administrative operations category (from 31.9 to 46.5 percent.

Regulations on facilities increased its preminence of Physical Facilities category increasing as a percentage from 50.0 to 72.2 percent. In the Institutional Growth, the category new institutions category increased as a percentage of the total (from 16.7 to 29.2 percent) while institutional expansion

TABLE 3

Legislation by Category: 1982 and 1983

	1982		1983		% Increase
	Number of Issues	Percent of Total	Number of Issues	Percent of Total	Number of Issues
Finance	282	32.2	355	29.6	25.9
Administration	288	32.9	338	28.3	17.4
Physical Facilities	12	1.3	18	1.5	50.0
Institutional Growth	24	2.7	24	2.1	0.0
Personnel	132	15.0	208	17.4	57.6
Students	101	11.7	134	11.2	32.7
Academic Programs	37	42.0	121	10.2	227.0
TOTAL	876	100.0	1198	100.3*	---

* Differs from 100.0 due to rounding.

TABLE 4

Comparison of Legislation Issues Within Category as a Percentage of Category Total: 1982 and 1983

Category	1982	1983
Finance	(n = 282)	(n = 355)
Appropriations	24.8	23.7
Capital Funds	5.7	8.2
Financial Procedures	69.5	68.2
Administration	(n = 288)	(n = 338)
Governing Bodies	18.1	15.4
Process of Policy Formation	26.7	15.1
Administrative Operations	31.9	46.5
Coordination	4.5	2.1
Studies and Surveys	14.2	16.9
Enabling Legislation	0.3	2.1
Government Liaison/Public Interpret.	4.2	2.1
Physical Facilities	(n = 12)	(n = 18)
Building Codes	16.7	0.0
Construction Procedures	33.3	27.8
Facility Regulations	50.0	72.2
Institutional Growth	(n = 24)	(n = 24)
New Institutions	16.7	29.2
Institutional Expansion	58.3	20.1
Name Changes	16.7	12.5
Restrictions on Growth	8.3	37.5
Personnel	(n = 132)	(n = 208)
Employee Benefits	44.7	62.3
Employee Rights	48.5	27.9
Collective Bargaining	6.8	9.6
Faculty Workload	0.0	0.0
Students	(n = 101)	(n = 134)
Student Rights/Responsibilities	32.7	16.4
Tuition and Fees	14.8	13.4
Student Aid	52.5	70.2
Academic Programs	(n = 37)	(n = 121)
Curriculum	67.6	2.5
Accreditation/Certification	32.4	33.1
Special Programs	--	64.4

expansion decreased from 58.3 to 20.1 percent of the total. Notable is the increase in issues dealing with restrictions on growth as a percentage of issues dealing with this broad category (from 8.3 percent to 37.5 percent).

Within the Personnel category, benefits issues increased (from 44.7 to 62.3 percent of the total) while rights and responsibilities issues decreased (from 48.5 to 27.9 percent). In a like manner, student rights decreased as a percentage of student issues (from 32.7 to 16.4 percent) while student aid increased (52.5 to 70.2 percent).

Taken together, curricula and special programs amount to approximately the same percentage of Academic Programs issues as curriculum accounted for in 1982 (66.9 percent versus 67.6 percent). Accreditation and certification again amount for about one-third of the Academic Programs issues.

Most Important Legislation. In a major departure from previous years all reported legislation was returned to state directors who were asked to rate the importance of each legislative proposal according to a five-point scale.[4] Of the 45 jurisdictions reporting legislation, 43 or 95.6 percent rated the importance of legislation.

As can be seen from Table 5, 169 pieces of legislation enacted were rated as high to highly important representing 25.1 percent of all enacted legislation reported. Similarly, 70 pieces of legislation or 25.1 percent of all pending legislation were rated highly, and 65 pieces of legislation not enacted or 26.4 percent of all legislative proposals in that status were rated highly. Overall, 25.4 percent of legislation reported was rated as important or highly important.

TABLE 5
Most Important Legislation by Status

	Enacted	Not Enacted	Pending	Total
Most Important Legislation	169	70	65	304
All Legislative Issues	673	279	246	1198

From Table 6 it can be seen that financial issues comprised a larger portion of the most important items compared with all legislation reported (37.2 versus 29.6 percent). Similarly, Administration, Institutional Growth, and Academic Programs issues comprised a large total of the most important items than legislation in general (29.6 versus 28.2 percent, 3.3 versus 2.0 percent, and 11.2 versus 10.1 percent, respectively). No Physical Facilities issues were rated in the most important category. More significantly, Personnel and Student Issues represented a much smaller percentage of the most important items when compared to all legislative issues considered (12.8 versus 17.4 percent and 5.9 versus 11.2 percent, respectively).

[4] (5) Highest importance; (4) high importance; (3) moderate importance; (2) some importance; (1) little importance

TABLE 6
Most Important Legislation by Category

	Percent of Most Important	Percent of Total	Difference
Finance	37.2	29.6	+ 7.6
Administration	29.6	28.2	+ 1.4
Physical Facilities	0.0	1.5	- 1.5
Institutional Growth	3.3	2.0	+ 1.3
Personnel	12.8	17.4	- 4.6
Students	5.9	11.2	- 5.3
Academic Programs	11.2	10.1	+ 1.1
TOTAL	100.0	100.0	0.0

MAJOR OBSERVATIONS AND DISCUSSION

This review of legislative proposals seriously considered in 1983 affecting community, junior, and two-year technical institutions would not be complete without a discussion of the major findings and their backgrounds we have chosen on which to elaborate here.

First, the amount of legislation reported as affecting the two-year college has grown each year since the initiation of the current annual survey. There are a number of possible reasons for this on which persons interested in community-college education may speculate; we believe the possible explanations are important to note and beg further exploration.

The increase in legislation at first glance might suggest that legislatures are paying increasing attention to community colleges themselves.

However, each year the amount of legislation reported which affects all state or state-related public agencies and institutions suggests that much of the increase is due to the public status of community colleges and increasing state attention to the operations of all organizations within its purview. In this way, attention to community colleges may be seen as evidence of diminishing concern for two-year colleges as unique institutions.

An additional reason for the increase in legislative proposals each year may be the growing attention by state directors and their staff to the legislative arena and the commitment of time and energy in the monitoring of legislation. A number of state offices responsible for community colleges have established specific places in their organizations to monitor developments of interest in state legislation and related state governmental action and, further, have established routine procedures (such as weekly bulletins during the sessions) to keep their constituencies informed. We at the CSHE/PSU appreciate getting information through these source techniques. The notable moves toward this formal monitoring may be a result of concerns over diminishing autonomy but other explanations are possible. In combination with greater staff commitment to the legislature is the growing production of legislation-related updates and newsletters and the production of legislative summaries at the conclusion of the legislative session. One could suggest that modern data and word processing systems have, perhaps, increased both the number and scope of legislative items reported each year.

Second of our findings of note and perhaps the most important in this review and analysis of 1983 actions is the attention which was paid to implementing and changing special academic programs. These programs consisted largely of job-training and retraining programs, in many cases with the federal Job Training Partnership Act apparently serving as a catalyst. These

special programs for economic development were of such volume and current import that a more complete summary of them was prepared when Dr. Dale Parnell, President of the AACJC, expressed an interest in it. The report will appear as an article in the November 1984 Journal, but prepublication copies are available on request.

Third, this year saw increased attention to personnel issues, particularly in the area of benefits and salaries. This continues a trend toward increasing legislative attention to personnel matters. Similarly, in a companion survey concerning court cases significantly bearing on community colleges, there is considerable judicial attention to this matter. In 1982, five out of eight cases reported dealt with personnel issues and in 1983, four out of eight cases dealt with similar issues. While the relationship between these court cases and legislative decisions cannot be directly established, as a component of the broader policy making process, it suggests the attention to personnel issues which is being made in the various policy making systems.[5]

Fourth, when legislative proposals rated of high importance by state directors are analyzed separately, it can be seen that financial considerations top the list of those rated as high or highly important. This includes both legislation with direct and indirect financial implications. That finding should, perhaps, come as no surprise.

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[5] Occasionally the connection between court cases and legislative attention is more direct. In Washington (state) issues projected to receive special legislative attention in 1984 include legislative reaction to two recent court cases, one concerning comparable worth in state salaries and the other concerning full finding of common school education.

A LOOK TO THE YEAR AHEAD

As part of this ongoing project to analyze legislative issues, state directors are asked each year to suggest, in their view, what will be the top three legislative issues to receive special consideration for the following legislative session (1984 in most cases) affecting the two-year college. These issues echo the major findings of this review. Finance is projected to continue as a major area of concern in most states. 56.8 percent of states reporting mentioned financial issues in the top three or 34 percent of all issues reported. Financial issues mentioned range from concerns over funding formulae for community colleges to concerns in general over state appropriations.

Personnel issues will again be an important areas of concern in upcoming legislative sessions as will special programs concerned with fostering economic development. As a percentage of total issues reported, these area accounted for 9.3 and 16.5 percent. One area which received some attention in 1983 sessions and which is projected to receive greater attention in 1984 sessions is that of the quality of education at all levels, but particularly the primary and secondary levels. This is largely due to recent national reports as well as reports prepared in selected states. This area is projected for major attention and is important to state directors because of its implications vocational educational training and the concentration of education support at the state level for the primary and secondary levels.

Concern about quality in elementary and secondary education, on the one hand, and in higher education, on the other, puts the spotlight again on the classical question community-college education confronts: Is it part of basic secondary general education or of specialized higher education? The function of bridging of the two levels by a thi d which claims a mission affiliated

with both of the others, while yet claiming a uniqueness from either, in our view, cannot escape from its own response to today's concerns about quality of mission performance. In the context of a report on 1983 state legislation tied to findings from earlier year study reports, we close with this question to state directors of community and two-year technical colleges (and through them to all leaders of similar community-based educational institutions): Will the question of quality of community-college mission performance be answered by them through their own efforts and counsel or for them by policy decision makers in the larger basic and higher educational enterprises or, indeed, even by the makers of public policy in the state houses?

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